

REMARKS

The Office Action mailed on December 14, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-17, 19, 20, 23 and 24 were pending. By this paper, Applicant cancels claims 19 and 20, and does not add any claims. Therefore, claims 1-17 and 23-24 are now pending.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 17, 19 and 20 stand rejected under 35 U.S.C. § 112, Second Paragraph. In response, in order to advance prosecution, and without prejudice or disclaimer, Applicant hereby amend claim 17, and cancel claims 19 and 20.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 1, 7, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kanbara (JP 2000-149970) in view of Ozeki (JP 2002-367646). Claims 1, 7, 13, 16, 17, 19, 20, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saito (JP 2000-164233) in view of Kanbara, with claim 2 being rejected in view of this combination when combined with Koizumi (U.S. Patent No. 4,818,845). Claims 3-6 are rejected in view of Saito when combined with Kanbara and Gerstmann (U.S. Patent No. 5,772,113). Claims 8 and 9 are rejected in view of Saito when combined with Kanbara and Breault (U.S. Patent No. 6,699,612). Claim 10 is rejected in view of Saito, Kanbara and Breault when combined with Yamada (U.S. Patent No. 5,482,790). Claim 11 is rejected in view of Saito in view of Kanbara and Breault and Roberts (U.S. Patent Publication No. 2001/0055707). Claim 12 is rejected as obvious in view of Saito, Kanbara, Breault when combined with Bonville (U.S. Patent No. 6,248,462). Claims 14 and 15 are rejected as obvious in view of Kanbara, Breault and Nelson (U.S. Patent No. 5,412,475).

In response, in order to advance prosecution, and without prejudice or disclaimer, Applicant hereby amends independent claims 1 and 17 in a manner that comports with language present in the allowed claims in the counterpart applications in Japan and Europe. Specifically, claim 1 explicitly recite that **the water storage unit is adapted to supply water to the fuel cell at least during a start-up of the fuel cell**. Claim 1 further recites, as it previously did, the presence of a hot medium flow passage disposed around and conforming, in a contacting relationship, to a water contact section on an outside of the water storage unit to allow the antifreeze solution, heated by the antifreeze heater, to flow around the outside of the water storage unit. Accordingly, claim 1 requires that (i) the water storage unit has a water contact section on the outside to allow antifreeze heated by a heater to flow around the outside of that storage unit, and (ii) that the storage unit supplies water to the fuel cell at least during a start-up of the fuel cell. Claim 17 parallels claim 1.

In contrast, Kanbara asserted in the Office Action to teach the water storage unit and the water contact section as claimed (referring to machine translated paragraphs 0012 and 0013). However, in Kanbara, water is supplied **from the auxiliary tank 7 to the fuel cell during a start-up of the fuel cell**. Assuming *arguendo* that the auxiliary tank 7 of Kanbara meets feature “ii” detailed above, the auxiliary tank 7 does not meet requirement “i” above. In contrast, auxiliary tank 7 is not heated by a hot medium flow passage having the above-described property. The auxiliary tank 7 is heated instead by the heater 11. Accordingly, the auxiliary tank 7 is not equipped with any hot medium flow passage disposed on an outside of the tank 7 as recited in claim 1.

Saito, proffered in the Office Action to be allegedly combinable with Kanbara, does not disclose the recited hot medium flow passage disposed about a water tank. Indeed, on page 5 of the Office Action (bottom paragraph), the PTO expressly states that “Saito et al [sic] does not expressly teach . . . a hot medium flow passage disposed around and conforming, in a contacting relationship, to a water contact section on an outside of [a] water storage unit to allow the antifreeze solution, heated by the antifreeze heater, to flow around the outside of the water storage unit.” The Office Action goes on to further detail the deficiencies of Saito with respect to claim 1 as then pending. Accordingly, Saito does not remedy the deficiencies of Kanbara identified in above in the preceding paragraph.

None of Koizumi, Gerstmann, Breault, Yamada, Roberts, Nelson and Bonville are combinable with the Kanbara-Saito teachings in a manner that alleviates the deficiencies in the Kanbara-Saito combination detailed above, and the Office Action does not assert the contrary. Therefore, claim 1 is not obvious as currently pending.

Claim 17 is likewise nonobvious for the pertinent reasons that make claim 1 nonobvious, as detailed above.

None of the claims that depend from either of claims 1 and 17, respectively, are obvious for at least the reasons that render claims 1 and 17 nonobvious.

In sum, the claims are not obvious.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Chuo is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

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By



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